

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q86643

Hirokazu NUNOKAWA

Allowed: January 9, 2008

Appln. No.: 10/540,140

Group Art Unit: 2861

Confirmation No.: 8876

Examiner: Lamson D. NGUYEN

Filed: June 21, 2005

For: LIQUID JETTING DEVICE, LIQUID JETTING METHOD, AND LIQUID JETTING
SYSTEM

**COMMENTS ON EXAMINER'S
STATEMENT OF REASONS FOR ALLOWANCE**

MAIL STOP ISSUE FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant notes that the Examiner's particular comments regarding the Reasons for Allowance included with the Notice of Allowance dated January 9, 2008 do not accurately reflect the claim language. For instance, the Reasons for Allowance merely loosely paraphrase certain recitations that are included in one of the independent claims and therefore do not accurately restate the claimed invention.

MPEP §1302.13 requires that "[w]here specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims." Accordingly, since the Reasons for Allowance comprise inaccurate

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paraphrasing, Applicant maintains that the legal scope of the present invention is defined only by the recitations of the allowed claims themselves and not by the Examiner's paraphrasing. Thus, the Examiner's Reasons for Allowance should not be construed to place unwarranted interpretations upon the claims.

Moreover, Applicant notes that the application includes 4 independent formulations of the invention (i.e., claims 15, 19, 20 and 21) and, therefore, Applicant submits that the Reasons for Allowance are deficient by failing to acknowledge that claims 15, 19 and 21 were allowed for independent reasons.

Additionally, the recitations paraphrased in the Reasons for Allowance are not necessarily included in all of the independent claims 15, 19, 20 and 21. As just one example, the Reasons for Allowance state that "the primary reasons for allowance for claims 15-19 and 21 are the inclusion of the limitations... wherein an ejection amount of the first liquid that reaches a region that is outside the medium is not reduced..." However, independent claims 19 and 20, for example, do not expressly include this recitation. Therefore, Applicant respectfully submits that the scope of the claims should be governed by the actual claim language, not by the Examiner's reasons for allowance.

Patent Office personnel are requested to note that the present submission does not adversely affect the patent term adjustment accrued by Applicant to date. As emphasized in the "Clarification of 37 C.F.R. §1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance Has Been Mailed," 1247OG111 (6/26/01), "a response to the examiner's reasons for allowance" is an example of a paper that does "not cause

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substantial interference and delay in the patent issue process” and is “not considered a ‘failure to engage in reasonable efforts’ to conclude processing or examination of the application.”

Therefore, the Applicant remains entitled to the full patent term adjustment set forth on page 3 of the Notice of Allowance dated January 9, 2008.

Respectfully submitted,

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